

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**MILLBURN PARTNERS, LLC,**

**Plaintiff,**

**v.**

**FRANCO RIZZOLO, ET AL.,**

**Defendants.**

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**Civil Action No. 10-3039 (KSH)**

**REPORT AND RECOMMENDATION**

This matter having come before the Court by way of the motions of defendants Andrew Bauman, Kendall Doble, and Brad Brown to dismiss for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2) and the motions of Bauman and Brown to dismiss under Federal Rules of Civil Procedure 12(b)(6), 8, and 9(b);

and the Honorable Katharine S. Hayden having referred the motions to the undersigned for a Report and Recommendation;

and the Court having considered the submissions, the record of proceedings, and the governing law;

and for the reasons set forth in the Opinion delivered on the record on December 13th, 2011;<sup>1</sup>

IT IS ON THIS 13th day of December, 2011

RECOMMENDED to the United States District Judge that the motions of defendants

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<sup>1</sup>A transcript of the Opinion can be obtained by contacting King Transcription at 973-237-6080.

Andrew Bauman, Kendall Doble, and Brad Brown to dismiss for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2) and the motions of Bauman and Brown to dismiss under Federal Rules of Civil Procedure 12(b)(6), 8, and 9(b) be denied. The parties have fourteen (14) days from receipt of this recommendation to file and serve objections.

s/Patty Shwartz  
**UNITED STATES MAGISTRATE JUDGE**